IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1420 (SS) OF 2005

Mahendra Kumar Joshi,
S/o late Janardan Joshi,
Presently posted as Clerk/Cashier,
Nainital Almora Chetriya Gramin Bank,
Branch Shama, District Bageshwar .....Petitioner.

Versus

1. Nainital Almora Chetriya Gramin Bank,
   Head Office, Mallital, Nainital through its Chairman.
2. Manager Nainital Almora Chetriya Gramin Bank, Branch Shama, District Bageshwar. .....Respondents.

Mr. G.C. Kandpal and Syed Nadeem, Advocates for the petitioner.
Learned Standing Counsel for the State.

Dated: 29.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the two seniority list of years 1991 and 2005 (shown as Annexure No. 4 and 5 to the writ petition) with a direction to the respondent no. 1 to act as per the final list of the year, 1987 (Shown as Annexure No. 3 to the writ petition).

2. Briefly stated, the petitioner was appointed as Clerk on 08.04.1984 and he was confirmed on the same post on 14.04.1986, under the respondent Bank. In the year, 1987, the respondent no. 1 issued a seniority list of the officers, Field Supervisors and Clerks as per the Service Rules of the Bank. In this list, the name of the petitioner was placed at Serial No. 18.

3. In the year, 1991, the respondent Bank had also issued another seniority list of the employees, the petitioner's name in the list was placed at Serial No. 12 instead of Serial No. 3.

4. On 01.04.2005, the respondent Bank issued a new seniority list, in which the petitioner was placed at Serial No. 5 instead of Serial No. 2.

5. Stating his grievances, the petitioner has filed a representation on 30.08.2005 before the Bank authorities challenging the seniority list of 1987 and thereafter he has made several representations (dated 17.09.1999, 17.01.2002, 19.06.2005 and 23.08.2005 respectively), but of no avail.

6. However, liberty is given to the petitioner to file a fresh representation within a period of one week from the date of presentation of the certified copy of the order. If such a representation is filed the same shall be disposed along with the old representation (filed as Anneuxre-7 to the writ petition) within a period of one month thereafter. Any promotion made shall be subject of the final result of the representation.

7. Writ petition is disposed of. No order as to costs

(Rajesh Tandon, J.)

29.03.2006
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